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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,988	10/30/2003	Martin Edmund Wendelken	STP283	5689

7590 05/06/2005
Martin E. Wendelken
610 Boulevard
Elmwood Park, NJ 07407

EXAMINER

IMAM, ALI M

ART UNIT PAPER NUMBER

3737

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,988

Applicant(s)

WENDELKEN ET AL.

Examiner

Ali Imam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/28/3
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in page 10, line 8, please change "holder10" to -- holder 10 -- and in page 14, line 3, please change "sock12" to -- sock 12 --.

Appropriate correction is required.

Claim Objections

2. Claim 9 is objected to because of the following informalities: it is not clear whether "the probe" mentioned in line 2 is part of the standoff holder or whether the applicant is actually claiming the probe or the standoff holder for the probe.

Claim 11 is objected to because of the following informalities: in line 3 of the claim it is confusing as to what applicant means by "ultrasound waves a to and from".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

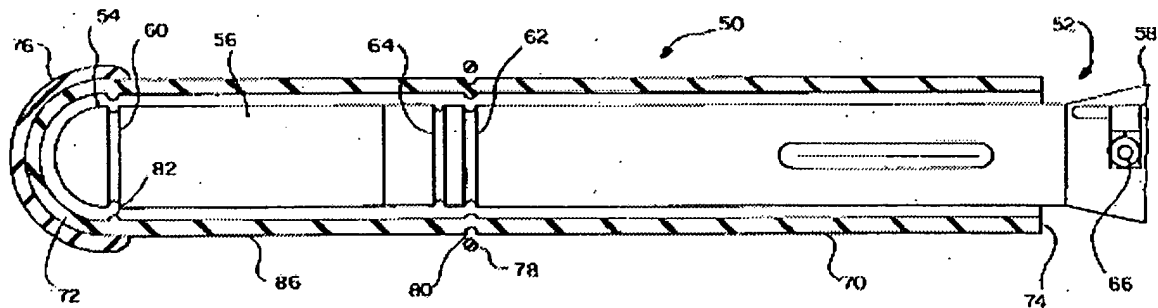
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtis et al. (US 4,815,470).

In regard to claim 1, Curtis teaches in Fig. 2 (reproduced below), a standoff holder for an ultrasound probe comprising an elongated elastic sock (50) for mounting over a probe (52)

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comprising a first open end (74) and a second end (72) and an inherently internal aperture (see Fig. 2 below) extending therethrough, wherein the first open end (74) includes an expansion collar (78) including a plurality of spaced rigid strips (82, 84) mounted circumferentially about the probe's coupling portion.

**FIG.—2**

In regard to claim 4, Curtis teaches plastic strips (col. 4, line 6).

In regard to claim 5, Curtis's elastic sock is round (see Fig. 2 above).

In regard to claim 6, Curtis's elastic sock inherently conforms to the shape of the probe because of its elastic nature.

5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Oaks et al. (EP 0 527 651 A1).

In regard to claims 1, 7, 8, 10, and 12, Oaks teaches in Figs 1-4, a standoff holder for an ultrasound probe comprising an elongated elastic sock (20) (see col. 4, line 10 for elastic properties) for mounting over a probe (10) comprising a first open end and a second open end and an internal aperture extending therethrough, wherein the first open end includes an expansion collar including a plurality of spaced rigid strips (26) mounted circumferentially about the probe's coupling portion, and a gel insert (22).

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In regard to claim 2, Oaks teaches expansion ribs and axial ribs.

In regard to claim 3, Oaks teaches that the sock is made of rigid but somewhat flexible plastic material which would inherently provide the sock with decreasing flexibility and increasing rigidity characteristics.

In regard to claim 4, Oaks teaches plastic strips (col. 4, line 6).

In regard to claim 5, Oaks's elastic sock is round (see Fig. 2 above).

In regard to claim 6, Oaks's elastic sock inherently conforms to the shape of the probe because of its elastic nature.

In regard to claim 9, Oaks teaches that the probe includes an acoustic window (32).

In regard to claim 11, Oaks teaches all the structures of the claimed subject matter as set forth above. The method concerning the steps cutting the pad, tracing, markings, etc., are inherently met by the disclosure.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (please see attached "Notice of References Cited").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Imam whose telephone number is 571-272-4737. The examiner can normally be reached on Mon. - Th., 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Imam
Primary Examiner
Art Unit 3737

AI
4/14/2005